

In the Drawings:

Kindly enter the attached Figures 1A-M, duly labeled as “Replacement Sheets”, to replace the current Figures 1A-M on file in the instant application.

REMARKS

Applicants submit herewith replacement sheets for Figures 1A – M. The substitute Figures have been amended to include sequence identification numbers.

Prior to submission of this amendment, claims 1-99 were pending. Claims 1-24 and 45-54 have been canceled pursuant to the restriction requirement. Claim 25 and claims that depend therefrom have been amended to recite “measuring” expression. Support for this amendment can be found throughout the specification and in particular at, for example, paragraph [0017]. Claim 55 has been amended to clarify that the RNA to be amplified comprises intronic RNA. Claim 63 has been amended to recite a number of cancers. Support for this amendment can be found in the specification and in original claim 31. Claim 75 has been amended to delete the recitation of the array. New claim 100 has been added to depend from claim 75 and recite that the polynucleotides are present in an array. Claims 77-79 have been amended to insert the SEQ ID NOs for Figures 1A-M. Claims 73 and 90 have been amended to delete “tumor size”. Claim 91 has been amended to remove duplicate recitations of genes. Claims 63, 80, 87 and 99 have been amended to correct typographical errors. New claims 100-102 have been added. Claims 101 and 102 find support in the specification and in original claim 95. No new matter is added by these amendments. Applicants expressly reserve the right to pursue any canceled matter in subsequent continuation, divisional or continuation-in-part applications.

Examiner Interview Summary

On October 24, 2006 the undersigned telephoned Examiner Woolwine to discuss the restriction requirement. In particular, the restriction requirement to pick four (4) nucleic acid sequences after election of groups I, II or III was discussed. The Examiner agreed that if Group II (Claims 25-44 and 55-99 drawn to methods of analyzing gene expression and methods of nucleic acid amplification) was elected the restriction requirement should have been a request for selection of species rather than a restriction requirement. The Examiner indicated that if Group II was elected, the further restriction requirement for an election of four nucleic acids would be withdrawn and a request for a selection of species imposed. No other claims or issues were discussed during the telephone interview.

Sequence Listing

The Office Action indicates that the application fails to comply with 37 C.F.R. 1.821(d) for failing to reference sequences by use of the sequence identifier. In particular claims 77-79 and Figures 1A-M need to contain reference to SEQ ID NOs.

Applicants have amended Figures 1A-M and claims 77-79 to reference the sequence numbers. The application is now in compliance with 37 C.F.R. 1.821(d).

Election/Restriction

Applicants were requested to elect, for examination purposes, the invention of one of the following III groups:

- I. Claims 1-24 drawn to isolated polynucleotides;
- II. Claims 25-44 and 55-99 drawn to methods of analyzing gene expression and methods of nucleic acid amplification; and
- III. Claims 45-54 drawn to methods of synthesizing polynucleotides;

Applicants elect the claims of Group II (Claims 25-44 and 55-99).

In addition, the Office Action states that if Applicant elects Invention II, then there is a further restriction requirement with respect to the additional genes.

This further restriction was discussed with Examiner Woolwine in a Telephonic Interview on October 24, 2006. In particular, the restriction requirement to pick four (4) nucleic acid sequences after election of groups I, II or II was discussed. The Examiner agreed that if Group II (Claims 25-44 and 55-99 drawn to methods of analyzing gene expression and methods of nucleic acid amplification) was elected, the restriction requirement should have been a request for selection of species rather than a restriction requirement. The Examiner indicated that if Group II was elected, the further restriction requirement for an election of four nucleic acids would be withdrawn and a request for a selection of species imposed.

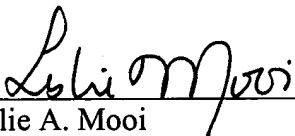
In response to the species election requirement, Applicants elect the following sequences: SEQ ID NO:1 (MGB-CEGP1 int1.1) and SEQ ID NOs:14, 15 and 16.

Please direct any calls in connection with this application to the undersigned at the number provided below.

Please charge any additional fees, including additional fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39740-0007A.

Respectfully submitted,

Date: October 27, 2006



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